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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE FIRST QUARTER OF 2019

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
FIRST QUARTER 2019

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on April 15, 2019, Plaintiffs served on Defendants
5 their First Quarterly Statement for 2019 by overnight delivery. The parties completed their
6 meet-and-confer process on May 23, 2019 as to the fees and costs incurred on all matters.

7 As a result of the May 23, 2019 agreement, the parties agree to the following:

8 The parties agree to the payment of \$1,536,774.35 to resolve all fees and costs
9 incurred during the First Quarter of 2019, for monitoring and/or litigation activities in the
10 California Department of Corrections of Rehabilitation Division of Adult Operations and
11 Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
12 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
13 the parties to settle these claims.

14 The parties agree to the payment of \$76,227.01 to resolve all fees and costs incurred
15 during the First Quarter of 2019, for monitoring and/or litigation activities in the Board of
16 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
17 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to
18 settle these claims.

19 The parties agree to the payment of \$171,458.83 to resolve all fees and costs
20 incurred during the First Quarter of 2019, for monitoring and/or litigation activities in the
21 Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
22 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
23 agreed to by the parties to settle these claims.

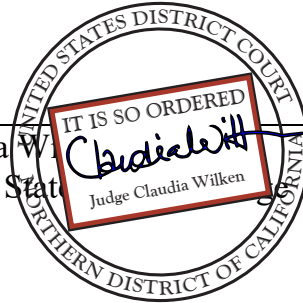
24 The parties agree to the payment of \$13,954.46 to resolve all fees and costs incurred
25 during the First Quarter of 2019, for fees work. Attached hereto as **Exhibit D** are charts
26 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
27 parties to settle these claims.

28 IT IS HEREBY ORDERED that the amounts set forth above are due and

collectable as of forty-five days from the date of entry of this Order. Interest on these fees and costs will run from May 15, 2019, accruing at the rate provided by 28 U.S.C. § 1961.

DATED: May 30, 2019

Claudia Wilken
United States District Judge



APPROVED AS TO FORM:

DATED: May 23, 2019

/s/Sharon Garske

Sharon Garske
Deputy Attorney General
Attorney for Defendants

DATED: May 23, 2019

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Brown
First Quarterly Statement of 2019
January 1, 2019 through March 31, 2019

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,511,539.20	\$25,235.15
	TOTAL UNDISPUTED:	\$1,536,774.35

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2019		Fees Now Owing
	Hours	Hours	Rates	Total	Per Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	8.70	8.70	\$1,000	\$8,700.00	\$8,352.00
Gay C. Grunfeld (GCG)	26.70	25.30	\$860	\$21,758.00	\$20,887.68
Ernest Galvan (EG)	0.3	0	\$800	\$0.00	\$0.00
Penny Godbold (PG)	286.30	283.00	\$700	\$198,100.00	\$190,176.00
Thomas Nolan (TN)	231.50	228.40	\$725	\$165,590.00	\$158,966.40
Michael L. Freedman (MLF)	112.50	96.30	\$610	\$58,743.00	\$56,393.28
Ben Bien-Kahn (BBK)	117.20	110.10	\$585	\$64,408.50	\$61,832.16
Jenny Yelin (JY)	48.10	43.90	\$540	\$23,706.00	\$22,757.76
Kara J. Janssen (KJJ)	0.70	0.00	\$540	\$0.00	\$0.00
Michael S. Nunez (MSN)	1.70	0.00	\$525	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	74.90	69.20	\$440	\$30,448.00	\$29,230.08
Karen Stilber (KES)	199.50	193.90	\$350	\$67,865.00	\$65,150.40
F. Gail LaPurja (FGL)	0.20	0.00	\$290	\$0.00	\$0.00
Greg Gonzalez (GZG)	36.60	36.40	\$290	\$10,556.00	\$10,133.76
Fely F. Villadelgado (FFV)			\$275	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	91.00	81.50	\$250	\$20,375.00	\$19,560.00
Marcus V. Levy (MVL)	0.40	0.00	\$250	\$0.00	\$0.00
Nathalie Welch (NW)	26.30	0.00	\$250	\$0.00	\$0.00
Hanna Wallace (HW)	336.20	323.50	\$250	\$80,875.00	\$77,640.00
Michael Brier (MB)	307.90	290.50	\$225	\$65,362.50	\$62,748.00
Total Hours:	1,906.70	1,790.70		\$816,487.00	\$783,827.52
RBGG FEES:					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	23.30	23.30	\$995	\$23,183.50	\$22,256.16
Sara Norman (SN)	5.80	5.80	\$805	\$4,669.00	\$4,482.24
Rita Lomio (RL)	249.30	249.30	\$625	\$155,812.50	\$149,580.00
Thomas Nosewicz (TMN)	152.90	152.90	\$600	\$91,740.00	\$88,070.40
Margot Mendelson (MM)	95.70	95.70	\$560	\$53,592.00	\$51,448.32
Shira Tevah (ST)	188.50	188.50	\$400	\$75,400.00	\$72,384.00
Camille Woods (CW)	135.40	135.40	\$350	\$47,390.00	\$45,494.40
Amber Norris (AN)	117.10	117.10	\$335	\$39,228.50	\$37,659.36
Megan Lynch (ML)	273.00	273.00	\$335	\$91,455.00	\$87,796.80
Alayna O'Bryan	103.00	103.00	\$275	\$28,325.00	\$27,192.00
Tania Amarillas (TA)	123.90	123.90	\$300	\$37,170.00	\$35,683.20
Alexis Hoffman (AH)	82.20	82.20	\$275	\$22,605.00	\$21,700.80
Christopher Johnson (CJ)	45.20	45.20	\$275	\$12,430.00	\$11,932.80
Skye Lovett (SL)	3.30	3.30	\$275	\$907.50	\$871.20
Gabby Sergi (GS)	65.70	65.70	\$275	\$18,067.50	\$17,344.80
Gabriela Pelsinger (GP)	108.60	108.60	\$275	\$29,865.00	\$28,670.40
Juliette Mueller (JM)	94.10	94.10	\$275	\$25,877.50	\$24,842.40
Total Hours:	1,867.00	1,867.00		\$757,718.00	\$727,409.28
PLO FEES:					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Case Clerk	1.80	1.80	\$175	\$315.00	\$302.40
Total Hours:	1.80	1.80		\$315.00	\$302.40
DREDF FEES:					
TOTAL CLAIMED CDCR/AOAP MONITORING FEES:				\$1,574,520.00	\$1,511,539.20

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Costs***Matter: CDCR/AOAP Merits/Monitoring***

<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>	<u>Costs</u>	Costs Now Owing
		<u>Per Negotiated Compromise</u>
Photocopying (In house)	\$1,489.60	\$1,430.02
Photocopying/printing (Outside)	\$1,360.81	\$1,306.38
Online Research - PACER, Westlaw	\$189.77	\$182.18
Postage & Delivery	\$315.23	\$302.62
Telephone	\$23.85	\$22.90
Travel - Mileage, Tolls, Food	\$6,529.61	\$6,268.43
Total RBGG Costs:	\$9,908.87	\$9,512.52
<u>Prison Law Office</u>		
Photocopying (In house)	\$404.40	\$388.22
Travel - Mileage, Tolls, Food	\$14,233.88	\$13,664.52
Postage & Delivery	\$1,545.76	\$1,483.93
Total PLO Costs:	\$16,184.04	\$15,536.68
<u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$167.20	\$160.51
Postage & Delivery	\$26.50	\$25.44
Total DREDF Costs:	\$193.70	\$185.95
TOTAL CDCR/AOAP MERITS/MONITORING COSTS:	\$26,286.61	\$25,235.15

EXHIBIT B

Armstrong v. Brown
First Quarterly Statement of 2019
January 1, 2019 through March 31, 2019

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$74,906.88	\$1,320.13
	TOTAL UNDISPUTED:	\$76,227.01

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Matter: BPH**BPH (581-4)****Fees Now Owing****Per Negotiated****Compromise****Actual****Claimed****2019****Hours****Hours****Rates****Total****BPH MONITORING (581-4)****ROSEN, BIEN, GALVAN & GRUNFELD**

Michael W. Bien (MWB)	4.2	4.2	\$1,000	\$4,200.00	\$4,032.00
Gay C. Grunfeld (GCG)	2.10	2.10	\$860	\$1,806.00	\$1,733.76
Thomas Nolan (TN)	34.50	33.50	\$725	\$24,287.50	\$23,316.00
Benjamin Bien-Kahn (BBK)	0.50	0.00	\$585	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	11.20	11.20	\$440	\$4,928.00	\$4,730.88
Karen Stilber (KES)	4.50	4.30	\$350	\$1,505.00	\$1,444.80
Dylan Verner-Crist (DVC)	0.70	0.00	\$250	\$0.00	\$0.00
Total Hours:	57.70	55.30			

RBGG FEES:**\$36,726.50****\$35,257.44****PRISON LAW OFFICE**

Donald Specter (DS)	0.4	0.4	\$995	\$398.00	\$382.08
Sara Norman (SN)	1.40	1.40	\$805	\$1,127.00	\$1,081.92
Rita Lomio (RL)	26.10	26.10	\$625	\$16,312.50	\$15,660.00
Rana Anabtawi (RA)	41.90	41.90	\$560	\$23,464.00	\$22,525.44
Total Hours:	69.80	69.80			

PLO FEES:**\$41,301.50****\$39,649.44****TOTAL FEES FOR
BPH WORK:****\$78,028.00****\$74,906.88**

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Costs***Matter: BPH*****Rosen, Bien, Galvan & Grunfeld (581-4)**

	Costs	Costs Now Owing <u>Per Negotiated Compromise</u>
Photocopying (In house)	\$82.00	\$78.72
Westlaw research	\$16.82	\$16.15
Telephone	\$1.60	\$1.54
Travel - Mileage, Tolls, Food	\$393.62	\$377.88
Total RBGG Costs:	\$494.04	\$474.28

Prison Law Office

Travel - Mileage, Tolls, Food	\$881.10	\$845.86
Total PLO Costs:	\$881.10	\$845.86
TOTAL BPH COSTS:	\$1,375.14	\$1,320.13

EXHIBIT C

Armstrong v. Brown
First Quarterly Statement of 2019
January 1, 2019 through March 31, 2019

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$167,263.68	\$4,195.15
	TOTAL UNDISPUTED:	\$171,458.83

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Matter: DAPO Monitoring

<u>DAPO Monitoring (581-9)</u>	Actual	Claimed	2019		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	2.80	2.80	\$1,000	\$2,800.00	\$2,688.00
Gay C. Grunfeld (GCG)	17.20	17.20	\$860	\$14,792.00	\$14,200.32
Ernest Galvan (EG)	0.80	0.00	\$800	\$0.00	\$0.00
Penny Godbold (PG)	4.20	4.10	\$700	\$2,870.00	\$2,755.20
Thomas Nolan (TN)	3.60	3.60	\$725	\$2,610.00	\$2,505.60
Michael L. Freedman (MLF)	16.40	15.70	\$610	\$9,577.00	\$9,193.92
Benjamin Bien-Kahn (BBK)	42.20	40.20	\$585	\$23,517.00	\$22,576.32
Jenny S. Yelin (JSY)	51.80	49.80	\$540	\$26,892.00	\$25,816.32
Hugo D. Cabrera (HDC)	122.90	116.80	\$440	\$51,392.00	\$49,336.32
Karen Stilber (KES)	6.50	6.50	\$350	\$2,275.00	\$2,184.00
F. Gail LaPurja (FGL)	14.10	10.20	\$290	\$2,958.00	\$2,839.68
Marcus V. Levy (MVL)	0.80	0.00	\$250	\$0.00	\$0.00
Fely Villadelgado (FFV)	0.40	0.00	\$275	\$0.00	\$0.00
Nathalie Welch (NCW)	173.10	138.20	\$250	\$34,550.00	\$33,168.00
Total Hours:	456.80	405.10			
RBGG FEES:				\$174,233.00	\$167,263.68
TOTAL FOR DAPO MONITORING WORK:				\$174,233.00	\$167,263.68

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Costs***Matter: DAPO Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-9)**

	Costs	Costs Now Owing Per Negotiated Compromise
Photocopying (in-house)	\$991.20	\$951.55
Photocopying (outside)	\$299.44	\$287.46
Westlaw	\$18.92	\$18.16
Inhouse Postage	\$318.83	\$306.08
Long distance telephone charges	\$0.25	\$0.24
Travel - Mileage, Tolls, Food	\$2,741.31	\$2,631.66
Total RBGG Costs:	\$4,369.95	\$4,195.15
TOTAL DAPO MONITORING COSTS:	\$4,369.95	\$4,195.15

EXHIBIT D

Armstrong v. Brown
First Quarterly Statement of 2019
January 1, 2019 through March 31, 2019

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$13,762.56	\$191.90
TOTAL UNDISPUTED:		\$13,954.46

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2019		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	8.70	8.50	\$860	\$7,310.00	\$7,017.60
Karen E. Stilber (KES)	13.20	11.20	\$350	\$3,920.00	\$3,763.20
Total Hours:	21.90	19.70			
RBGG FEES:				\$11,230.00	\$10,780.80
<u>PRISON LAW OFFICE</u>					
Rita Lomio	2.00	2.00	\$625	\$1,250.00	\$1,200.00
Ashley Kirby (AK)	7.20	7.20	\$210	\$1,512.00	\$1,451.52
Total Hours:	9.20	9.20			
PLO FEES:				\$2,762.00	\$2,651.52
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	0.40	0.40	\$860	\$344.00	\$330.24
Total Hours:	0.40	0.40			
DREDF FEES:				\$344.00	\$330.24
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$14,336.00	\$13,762.56

Armstrong v. Brown

First Quarterly Statement of 2019

January 1, 2019 through March 31, 2019

Costs***Matter: Fees Work in All Matters***

<u>Rosen, Bien, Galvan & Grunfeld (581-2)</u>	Costs	Costs Now Owing
		<u>Per Negotiated Compromise</u>
Photocopying and Printing (in-house)	\$149.20	\$143.23
Long distance telephone	\$0.25	\$0.24
Postage & Delivery	\$49.05	\$47.09
Total RBGG Costs:	\$198.50	\$190.56
<u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$1.40	\$1.34
Total DREDF Costs:	\$1.40	\$1.34
TOTAL FEES WORK COSTS :	\$199.90	\$191.90